

5.8 Land Use and Relevant Planning

This section evaluates the General Plans of the County, the City of Irvine, and the City of Lake Forest, as well as pertinent land use documents identified during the research for this EIR. Zoning information relevant to aesthetics has been included in that section. In terms of land use compatibility, this EIR has focused on relevant evidence available in the public record. It is acknowledged that there are some members of the public who do not support the expansion and increase in classification of this jail, as evidenced by comments at the scoping meeting, comments on the Notice of Preparation, other comments presented to the County, and media coverage.

The analysis in this section follows the requirements of CEQA, which focuses on an evaluation of evidence concerning the physical environment. CEQA holds a public agency to a standard which requires that it support its conclusion in the EIR with substantial evidence, and if it does, the fact that there is disagreement on the conclusion drawn in the EIR does not render the EIR inadequate. While CEQA encourages public input, attention is focused on physical environmental changes brought about by the project, as opposed to a position on the merits of the project. Therefore, the conclusions in this and other sections of this EIR may not meet the expectations of a reader who is opposed to the project on grounds other than those dealing with the physical environment.

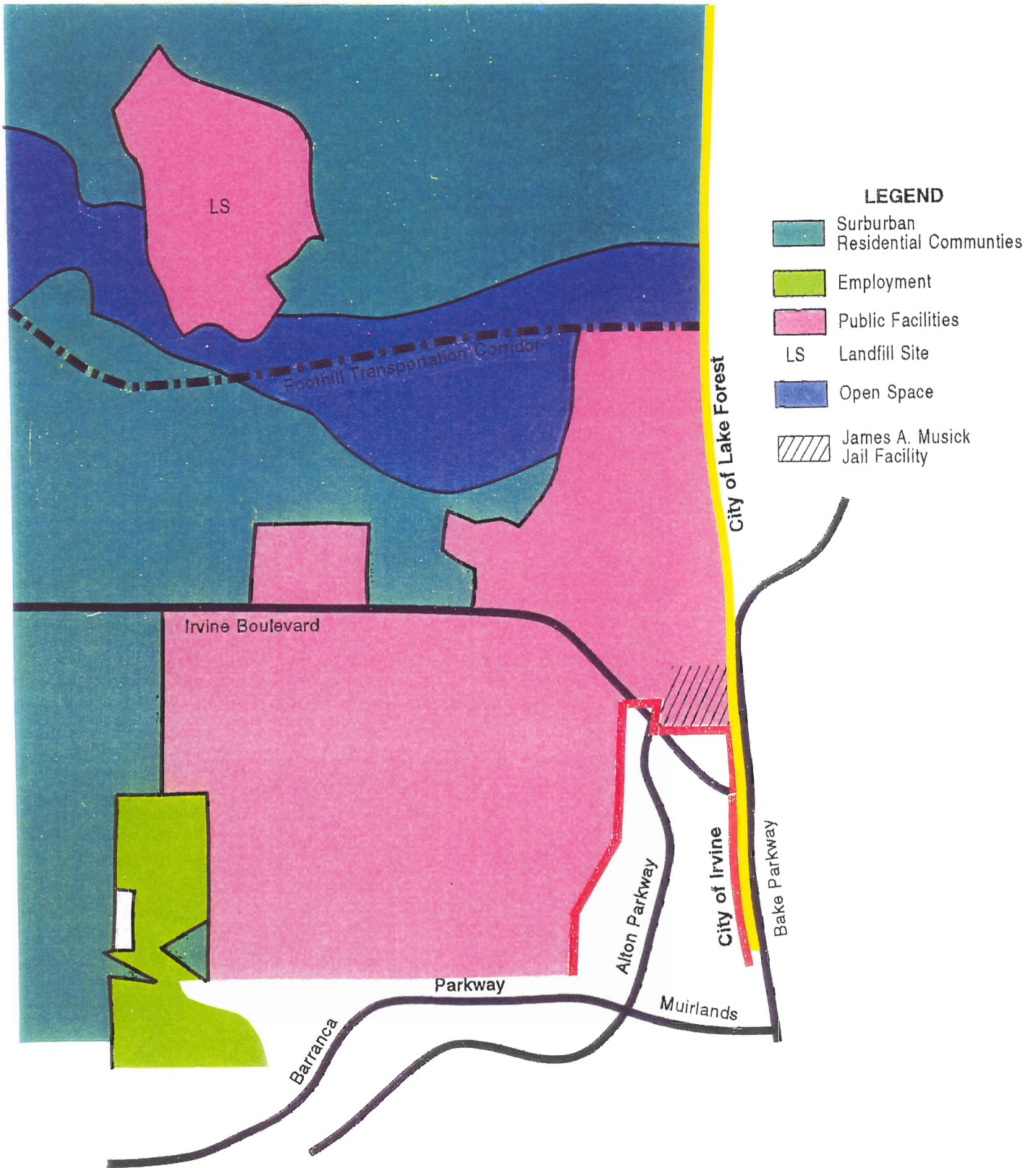
5.8.1 Environmental Setting

Existing Uses on the Project Site

The project site is currently developed with a minimum security detention and corrections facility. Inmate housing and detention facilities are located in the northeast corner of the site. The remainder of the site is used for agricultural uses associated with inmate detention. A small parking lot on the Musick site has been temporarily leased by the County to the adjacent buildings. For further information on existing uses, see the Project Description.

The County of Orange General Plan and Development Regulations

The project site is located in the unincorporated area of the County of Orange and is subject to the General Plan policies, Zoning Code requirements and Building, Health and related development codes and policies of the County. The County General Plan includes eight elements, and the most relevant elements to this project are Land Use, Transportation, and Public Services and Facilities. The relationship of the project to the County Noise Element is discussed within Section 5.5 (Noise) in this EIR. The Land Use Element classifies the project site as "Public Facilities" (Exhibit 21) which is defined as follows:



LEGEND

- Suburban Residential Communities
- Employment
- Public Facilities
- LS Landfill Site
- Open Space
- James A. Musick Jail Facility



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ORANGE COUNTY GENERAL PLAN LAND USE ELEMENT

001830
EXHIBIT 21

"This category identifies major facilities built and maintained for public use. Included are civic buildings, airports, junior colleges, military installations, correctional institutions, hospitals, solid waste facilities, water facilities, and sewer facilities." (*emphasis added*)

The General Plan does not limit the size or classification of the facility.

The Transportation Element of the General Plan classifies Alton Parkway (adjacent to the westerly property line) and Bake Parkway (adjacent to the easterly property line) as Major Arterial Highways, which are six-lane (three in each direction) roadways with medians. The General Plan also identifies a Class I Off-Road Bicycle Trail along Borrego Wash, which has been designed into the plans for Alton Parkway as reported in the Alton Parkway Project Report.

The Public Services and Facilities Element states that the Sheriff's South Operations Division is headquartered at the station in Laguna Niguel (a new Sheriff substation is scheduled to open in Aliso Viejo in September), and the service territory of this division covers the areas east of Irvine and south of Laguna Beach. The South Operations Division serves about twice the population and patrol workload as compared to the North Operations Division, and the workloads will continue to increase due to major new development in south Orange County. The Element states that the Laguna Niguel Station includes modular units, and a permanent station facility is needed to replace the existing temporary structures.

The project site is zoned by the County as A-1 "General Agricultural" District and the Borrego Wash portion of the site along proposed Alton Parkway is included in the FP-2 "Floodplain" District. Pursuant to Section 7-9-20(i) of the Zoning Code, lands owned by the County or leased to the County may be governed by a General Development Plan, Master Plan or other capital improvement plan which has been reviewed and approved by the Director, EMA. Where a General Development Plan, Master Plan or other capital improvement plan is applicable, the Board of Supervisors may exempt a County project from all the land use regulations of the Zoning Code. The A-1 District permits agriculture, residences, and a wide variety of conditional uses including utilities, public facilities, airports, landfills, and uses determined by the Planning Commission to be consistent with the purpose and intent of the District. The FP-2 District permits all uses permitted by the base district (i.e., A-1 District) which are designed and constructed, in summary, so the elevation of the lowest floor is one foot above the base flood elevation.

Surrounding Land Uses, Plans and Regulations

Immediately to the south of the project site is Phase IV of the Irvine Spectrum business park (i.e., Planning Area 35 - Irvine Industrial Complex - East) located in the City of Irvine. The project site abuts the City of Irvine along its southerly boundary and a portion of its westerly boundary, and is located within the Sphere of Influence (SOI) of the City of Irvine. Although the project site is located outside the incorporated boundaries of the City of Irvine, it is also designated within Planning Area 35 in the City's governing

documents. The business park sites adjacent to the project site were subdivided and developed in the late 1980s. The adjacent developments include:

1. Seven buildings along the northeast side of Hammond Street which include, in general, one and two story, tilt-up concrete buildings occupied by light industrial and related office uses.
2. Nineteen buildings on the northwesterly side of Musick Street located in an industrial condominium development which also include, in general, one and two story, tilt-up concrete buildings occupied by light industrial and related office uses.

The average pad elevation of the adjacent buildings is approximately 445 feet above mean sea level (MSL).

The City of Irvine's zoning regulations permit Research/Industrial (12,815,738 million sq. ft.), Public Facilities (60,000 sq. ft.), and Community Commercial (909,964 sq. ft.) uses in Planning Area 35. The Planning Area 35 Irvine Industrial Complex East Zoning Ordinance Map classifies the project site as 6.1 Institutional. Section V.E-325.6.1 INSTITUTIONAL of the Planning Area 35 development regulations permits government facilities as a conditional use. The maximum building height for Institutional buildings is 50 feet. Building setback standards are 50 feet from Major Highways and 10 feet from interior boundaries adjacent to nonresidential uses. No residential uses are located or permitted in the Spectrum project, and nearest residences in the City of Irvine are located approximately 4 miles to the northwest.

The City of Irvine's General Plan, including the incorporated and unincorporated area within the SOI, is composed of 13 elements. The incorporated area covers approximately 43 square miles, and the SOI includes about 33 square miles. The current population is approximately 127,200²⁴ persons and the year 2000 population is projected to be 154,000²⁵ persons. Approximately 50%²⁶ of the City and its SOI is developed or committed through subsequent planning approvals. The most relevant elements of the General Plan are Land Use, Circulation, Public Facilities, and Safety. The Land Use Element (Figure A-1) classifies the project site as INSTITUTIONAL - Public Facilities (Exhibit 22) which is defined as follows:

INSTITUTIONAL Definition: A variety of publicly or privately owned and operated facilities (hospitals, school, religious facilities) and other non-profit land uses.

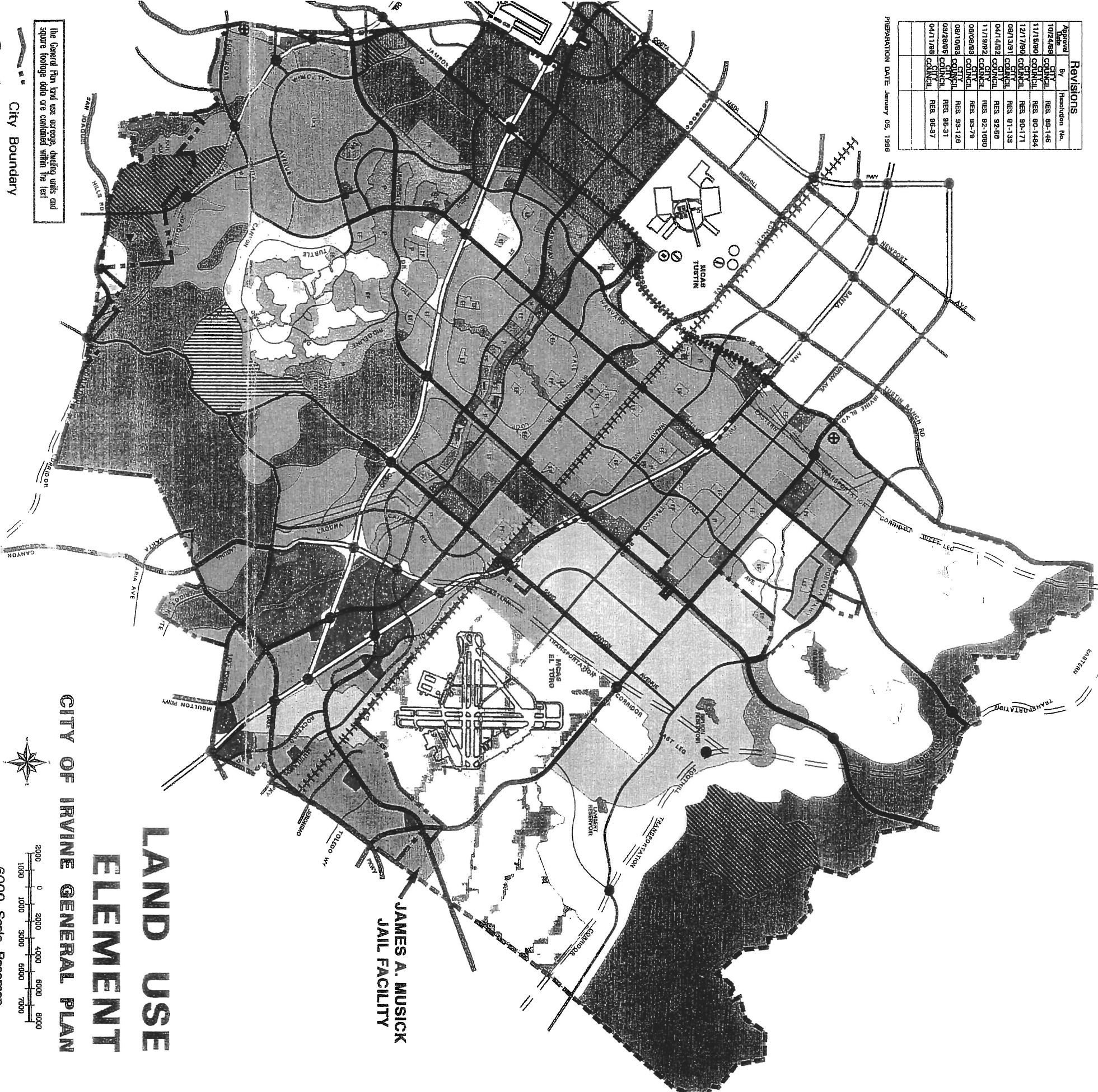
²⁴Source: State Department of Finance for January, 1996.

²⁵Source: City of Irvine General Plan.

²⁶*Ibid.*

Revisions		
Approval Date	By	Resolution No.
10/24/89	COUNCIL	RES. 88-146
11/15/89	COUNCIL	RES. 89-1484
12/17/89	COUNCIL	RES. 90-171
08/13/91	CITY	RES. 87-139
04/14/92	COUNCIL	RES. 92-99
11/19/92	COUNCIL	RES. 92-1090
08/09/93	CITY	RES. 93-78
09/10/93	COUNCIL	RES. 93-120
03/28/95	COUNCIL	RES. 95-31
04/11/99	COUNCIL	RES. 95-37

PREPARATION DATE: January 05, 1986



- City Boundary

Sphere of Influence
- CONSERVATION OPEN SPACE

Recreation

Preservation

Water Bodies

Agriculture

Golf Course Overlay

Landfill Overlay
- RESIDENTIAL

Estate ⁽⁴⁾

Low Density ⁽⁴⁾

Medium Density ⁽⁴⁾

Medium-High Density ⁽⁴⁾

High Density ⁽⁴⁾

(1) Land Use authority and corresponding regulatory activities are the responsibility of the government agencies within own this land.
(2) These governmental agencies are subject to the General Plan requirements contained within the California Government Code sections 55401 and 55402.
(3) These Land Use categories also show residential development s noted in the General Plan text.
(4) The Land Use Element Table 1 through 6 establish and regulate land use building intensity standards. Building intensity standards are decided by Planning Area.

- MULTI USE ⁽³⁾⁽⁴⁾

COMMERCIAL

Neighborhood Commercial ⁽⁴⁾

Community Commercial ⁽⁴⁾

Regional Commercial ⁽⁴⁾

Commercial Recreation ⁽⁴⁾
- INSTITUTIONAL

Educational Facilities ⁽¹⁾⁽²⁾⁽³⁾⁽⁴⁾

Public Facilities ⁽⁴⁾

MILITARY ⁽¹⁾⁽³⁾⁽⁴⁾
- HISTORIC RESOURCES

WASTE FACILITY
- CIRCULATION *

Freeway ● Interchange

Transportation Corridor

Expressway

Major Highway 8-Lanes

Major Highway 6-Lanes

Primary Highway

Secondary Highway

Railroads

LAND USE
ELEMENT
CITY OF IRVINE GENERAL PLAN

6000 Scale Basemap

Public Facilities. Intended for governmental, public and quasi-public and community owned facilities. Also for uses that may be privately owned, but are non-profit and generally open to the public. Typical uses would be post offices, libraries, museums, places of worship, day care centers, police stations, government buildings, non-profit housing, utilities and other related uses. Some institutional land uses (i.e, schools, utilities and public facilities) are allowed in all Land Use Element categories consistent with established City ordinances and policies.

Although the County is not governed by the City's Land Use Element and would not be so governed even if the jail site were currently within the City's municipal boundary, the County is evaluating the City's regulations for information purposes. Table 5 (Institutional Intensity Regulatory Standards) of the Land Use Element allocates 62,101 sq. ft. of building intensity to Institutional uses in Planning Area 35, which includes the project site. The proposed project would greatly exceed this floor area figure, but the analysis contained in this EIR addresses the effects of the increase in floor area. Further, Table 5 provides Footnote 1 which refers to Objective A-4, Policy (a) for additional institutional category requirements and indicates, within each planning area, actual building intensity within each planning area is regulated by the appropriate agencies involved. Objective A-4, Policy (a) allows for additional institutional intensity to be deemed consistent with the General Plan if:

- a. All significant environmental impacts are mitigated to a level of insignificance; and,
- b. Infrastructure capacity under existing and future (buildout) conditions can accommodate additional development in the areas of circulation, fire, police water, and flood control services; or
- c. Development intensity under the adopted land use category is exchanged for intensity to accommodate institutional development in the areas of circulation, fire, police, water, and flood control services within the same planning area.

The Circulation Element of the Irvine General Plan classifies Alton Parkway and Bake Parkway adjacent to the project site as Major Arterial Highways (6 lanes wide), consistent with the County Transportation Element. This Element also indicates that Alton Parkway, Bake Parkway and Irvine Boulevard are "Inter-City Public Transit Corridors" which are defined as transit routes with low volume transit facilities operating within the available public right-of-way. Alton Parkway and Bake Parkway do not include bicycle trails and are not designated Scenic Highways.

The Public Facilities Element of the Irvine General Plan provides policies and criteria for the development of various types of community facilities, their relationship to one another, and their location to serve the needs and desires of the community. This element does not address Sheriff's facilities, jails or courts. The element states that the City standard for police services is that planning areas with a population of 10,000 to 20,000 persons typically require 1.5 officers per 1,000 persons and a facility size of 5.1 acres.

The Safety Element of the Irvine General Plan states that booking and detention facilities are provided under an agreement with the County of Orange. However, the element does not otherwise address Sheriff services.

The project site is bounded on the north and northeast by the Marine Corps Air Station (MCAS) El Toro, a 4,700-acre military airfield and related activities including jet combat aircraft, multi-engine aircraft, and helicopters. The portions of the air base to the northeast are undeveloped and to the north the adjacent land is used for citrus orchards. Two water storage tanks owned and operated by the Irvine Ranch Water District separate a portion of the project site from the citrus orchards. The nearest MCAS-El Toro residential development is approximately 3,800 feet north of the project boundary.

To the east of the project site in the City of Lake Forest is the Pacific Commercentre, a business park which is undeveloped but graded. The business park was planned and zoned by the Board of Supervisors in the mid-1980s and incorporated into the City of Lake Forest in 1991. An auto repair and service center has been constructed on the westerly side of Bake Parkway in a commercial area adjacent to the Musick Jail. The remainder of the business park, located on the southerly side of Bake Parkway, is undeveloped.

Beyond Pacific Commercentre, to the east, are homes in the area generally known as "Serrano Park."

The City of Lake Forest includes approximately 10.3 sq. miles of land area generally located between the I-5 Freeway on the southwest, the City of Irvine and MCAS-El Toro on northwest, the Foothill Transportation Corridor on the northeast, and the City of Mission Viejo on the southeast. In addition, the City's SOI includes about 6.5 sq. miles of land located between the Foothill Transportation Corridor on the southwest, the Irvine Ranch on the northwest, Santiago Canyon Road on the northeast, and El Toro Road and the City of Mission Viejo on the southeast. The City includes approximately 21,000 dwelling units plus 3,100 units in the SOI with a population of approximately 57,600²⁷ persons in the City and 8,700 in the SOI. At build-out, the City would include approximately 27,300 dwelling units and a population of about 79,000 persons. The principal component of growth in the future is commercial, business park and light industrial development which will increase from 6.8 million sq. ft. of floor area to 31.9 million sq. ft. of floor area at build-out of the City. This growth in nonresidential development will occur to the east of the project site, including the Pacific Commercentre and other planned communities located on the westerly and easterly sides of the Foothill Transportation Corridor.

The City of Lake Forest Land Use Element is shown in Exhibit 23. The designations in the City abutting the Musick site are Business Park, Commercial, Open Space and Light Industrial. A review of the aerial seems to reflect that the open space area is intended to be a buffer between Pacific Commercentre and Baker Ranch, and is partially occupied by a landscaped slope.

²⁷Source: State Department of Finance for January, 1996.

LAND USE DESIGNATIONS

Residential Designations

- Very Low Density Residential (0 to 2 DUs/ Net AC)
- Low Density Residential (2 to 7 DUs/ Net AC)
- Low-Medium Density Residential (7 to 15 DUs/ Net AC)
- Medium Density Residential (15 to 25 DUs/ Net AC)
- High Density Residential (25 to 43 DUs/ Net AC)

Commercial Designations

- Commercial
- Professional Office

Urban Activity Designations

- Mixed-Use
- Business Park
- Light Industrial

Community Designations

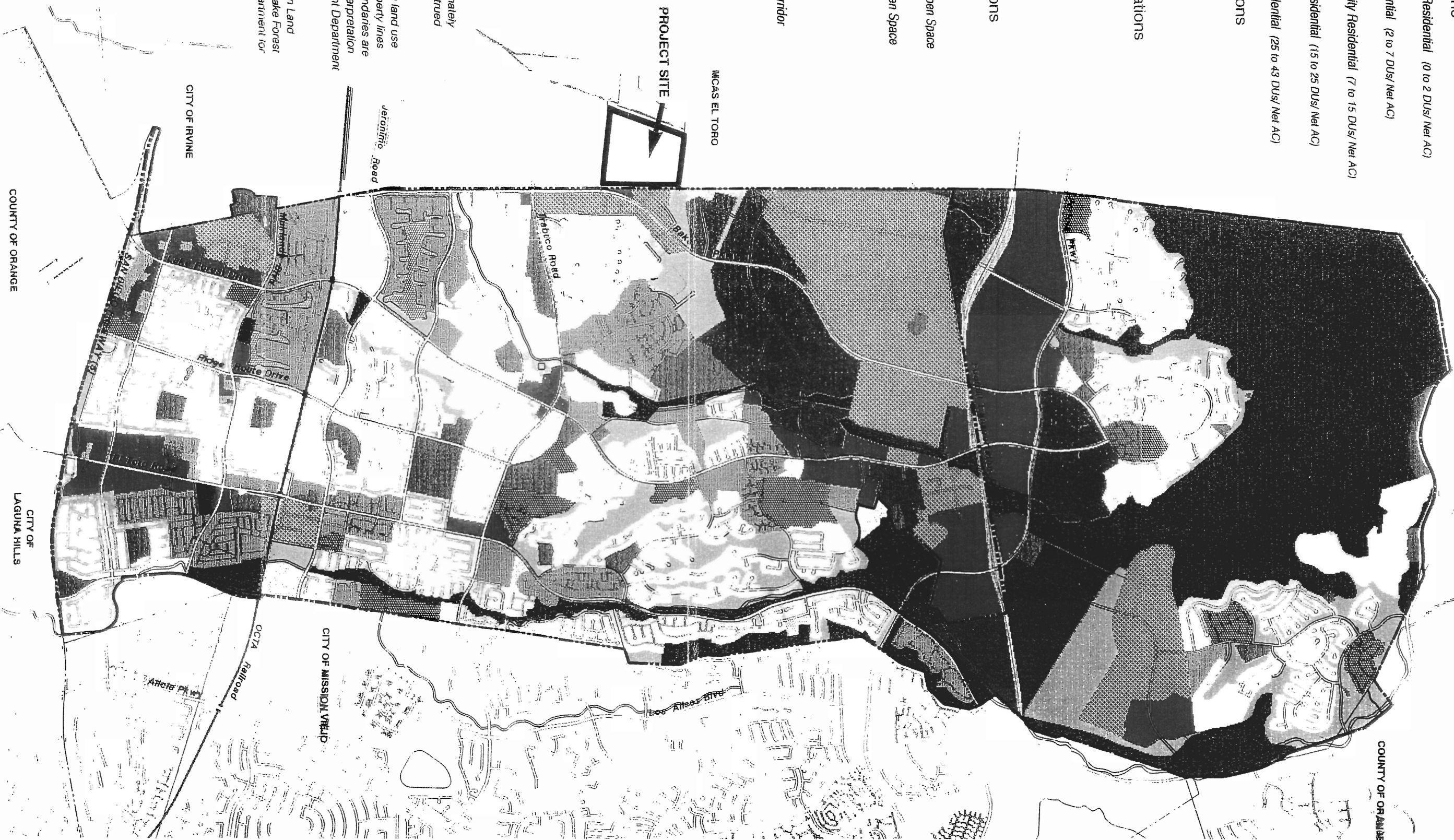
- Community Facility
- Community Park/Open Space
- Regional Park/Open Space
- Open Space
- Lake
- Transportation Corridor

- NORTH
- 0' 1500' 3000'
- PROJECT SITE
- City Boundary
- Sphere of Influence

Notes:
 ■ Boundaries shown as approximately following lot lines shall be construed to be following such lot lines.

■ Where boundary lines between land use designations do not follow property lines or street rights-of-way, the boundaries are approximate and subject to interpretation by the Community Development Department based on relevant information.

■ Please refer to the General Plan Land Use Policy Map in the City of Lake Forest Community Development Department for parcel specific designations.



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CITY OF LAKE FOREST GENERAL PLAN LAND USE POLICY MAP

The Pacific Commercentre Planned Community permits a wide variety of light industrial uses and related commercial and office uses. The maximum building heights permitted in this Planned Community are: -

1. Business Park Uses: 35 feet
2. High Technology Uses: 35 feet provided that greater heights are permitted by Use Permit up to the maximum permitted by FAA FAR Part 77.
3. Light Industrial Uses: No maximum provided that buildings exceeding 35 feet require a Use Permit and must comply with FAA FAR Part 77 requirements.

The average finished grade in the vicinity of the project site is approximately 445 feet above mean sea level (MSL). East of the undeveloped portion of the business park are residential developments located in the Rancho Serrano Planned Community and, farther east, the Serrano Highlands Planned Community. Residential development in the Lake Forest Planned Community is located to the south of the intersection of Trabuco Road and Bake Parkway.

The closest homes in the City of Lake Forest are located in the Rancho Serrano Planned Community over 700 feet from the boundary of the project site, and over 1,200 feet from the closest proposed inmate detention building. In addition to residences, a local park is located in the Rancho Serrano Planned Community about 1,000 feet from the project site. The closest elementary school is located in Lake Forest about one mile south of the project site, and the closest high school is located about 8,000 feet south of the project site.

Neither of the General Plans for the referenced cities recites any policies for the jail or land uses adjacent to the jail. Some of the existing buildings in the Spectrum development are within 5 feet of the jail property line.

Airport Regulations, Plans and Policies

The Base Realignment and Closure Commission recommended in 1993, and the President and Congress concurred, that the operations and units at MCAS-El Toro would be relocated to Naval Air Station Miramar and other bases, and MCAS-El Toro would be closed by September, 1999.

Since the jail design and construction process requires more time than will pass between the certification of the EIR and the closure of the base (or elimination of military jet operations), the military operations will have no effect on the proposed project. Approximately 50% of jet aircraft and related units have already relocated from MCAS-El Toro. Moreover, as will be discussed herein, the civilian airport analysis for building height, etc. is more stringent than that for military aircraft, and therefore the civilian standard has been used for analysis in this EIR.

Section 21096 of CEQA requires that if a lead agency prepares an EIR for a project within an airport comprehensive land use plan, or (if no land use plan has been adopted) within two nautical miles of a public airport, the Airport Land Use Planning Handbook²⁸ ("Handbook") published by the California Division of Aeronautics and §21674.5 of the California Public Utilities Code (§21670-21679) and related documents shall be used as technical resources in the preparation of the EIR as it relates to airport-related safety hazards and noise problems. The project site is located within the MCAS El Toro planning area of the Airport Environs Land Use Plan (AELUP) adopted by the Orange County Airport Land Use Commission (ALUC) pursuant to the Public Utilities Code State Aeronautics Act ("Act"). The AELUP is based on the military 1981 AICUZ study. If the federally designated Local Redevelopment Authority (LRA) selects a civilian aviation use for El Toro, the next step in the reuse planning process would be the preparation of an airport "master plan." That master plan would, in turn, become the basis for preparation of a new AELUP by the ALUC for a civilian airport operation at El Toro.

As discussed below, the project site is located within two miles of the El Toro Reuse Plan boundary, and the Reuse Plan includes two commercial airport alternative plans. Therefore, the Handbook and the Act were considered in the preparation of this EIR to ensure that the projected effects of the operations of the largest potential commercial uses as defined in the Draft Community Reuse Plan were addressed herein.

It is important to remember that a County jail facility has existed at the project site since 1963, and that the Airport Land Use Commission laws were not adopted until 1967. Orange County's first AELUP was adopted in 1975. It is generally accepted that Airport Land Use Commissions have no authority over areas of existing development.²⁹ The most recent prior Musick expansion project was the subject of EIR 447 which included a plan for a helipad. State law requires a helipad to be reviewed by the FAA and the ALUC as part of the process to receive a permit from the Caltrans Division of Aeronautics. The project was submitted to the ALUC in 1986 and found consistent with the AELUP subject to conditions, such as completion of an FAA Part 77 study. Other than for the helipad, all conditions imposed were advisory and not binding upon the County. Because the portions of the project requiring conditions were never built, the conditions were not fulfilled. The project described in this EIR will be subjected to an FAA Part 77 study prior to construction. The results of this study will be shared with the ALUC for its information. This project will also conform to the County of Orange General Plan. Some of the conditions suggested by the ALUC for the prior project, such as noise attenuation or construction methods so that all project noise impacts would not "exceed an interior standard of 45 dB CNEL in all habitable rooms," are required by the General Plan Noise Element.

The Handbook is divided into two parts. Part I - ALUC PROCEDURES AND PLANS includes Chapters 1 through 5 which discuss the organization of the ALUC and the

²⁸California Department of Transportation, Division of Aeronautics, 1993. *Airport Land Use Planning Handbook*. Prepared by Hodges & Shutt in association with Flight Safety Institute, Chris Hunter Associates, and UC Berkeley Institute of Transportation Studies.

²⁹Handbook 3-18.

preparation of compatibility plans, policies, ALUC review of local jurisdictions' actions, and procedures for ALUC review of projects. The Act does not give ALUC's direct authority over land use³⁰. Implementation of ALUC plans and policies is accomplished by cities and counties which are required to submit general plans and specific plans (and their amendments) (§21676(a)) and zoning ordinances and building regulations (§21676(b)) to the ALUC for a determination of consistency with compatibility plans. The proposed project does not include a general plan or specific plan amendment, or revision of the County zoning ordinances or building regulations. The ALUC has determined that the County General Plan, Zoning Code and related ordinances are compatible with the AELUP. Therefore, individual development proposals, such as the subject project, are not required to be referred to the ALUC for review unless the local jurisdiction has a voluntary agreement with the ALUC to refer such projects.³¹ As noted previously, the proposed project will not be occupied until after MCAS El Toro is closed at which time the current military AELUP will not apply to the project site.

Part II - AIRPORT LAND USE COMPATIBILITY ISSUES includes Chapters 6 through 9 of the Handbook which discuss the characteristics of aircraft noise and accidents, and the establishment of compatibility policies. Section 5.5 of this EIR discusses the relevant characteristics of noise, noise policies and impacts of aircraft noise on the project. For a detailed discussion of these topics, please refer to Section 5.5.

In summary, the project site would be subject to noise impacts in excess of 65 dB Community Noise Equivalent Level (CNEL) due to aircraft operations if MCAS El Toro were converted to a commercial airport analyzed in the Reuse Plan Draft EIR. This involves only a very small portion of the site not to be used for structures. The compatibility of jails with high noise levels is not directly addressed by the County AELUP or Noise Element. However, the proposed uses are most similar to hotels and/or hospitals, which are addressed by the County Noise Element. The Noise Element³² classifies hotels and hospitals as permitted in areas subject to 65+ CNEL if interior levels can be mitigated to 45 decibels for habitable rooms, 45 to 65 decibels depending on interior uses for hospital areas, and 65 CNEL for outdoor living areas. The Handbook notes that common wood frame construction reduces exterior noise by 15-30 dB, and commercial construction reduces exterior noise by 30 to 40 dB³³. Based on these noise reduction factors, normal jail construction will reduce interior noise levels to acceptable standards in the proposed project. No outdoor living areas are proposed by the project, so exterior noise level standards are not applicable.

Chapter 8 of the Handbook addresses aircraft accident characteristics for commercial and general aviation airports, including diagrams of the locations of aircraft accidents in relation to runways. The project site is located approximately 8,000 ft. east of the centerline of Runways 16/34, and approximately 5,500 ft. east and 2,000+ ft. south of the

³⁰Handbook, Page 3-19.

³¹*Public Utilities Code* §21676.5(b), "Handbook," pages 4-4 and 4-5.

³²Tables 4-1 and 4-2.

³³Handbook, Page 6-7.

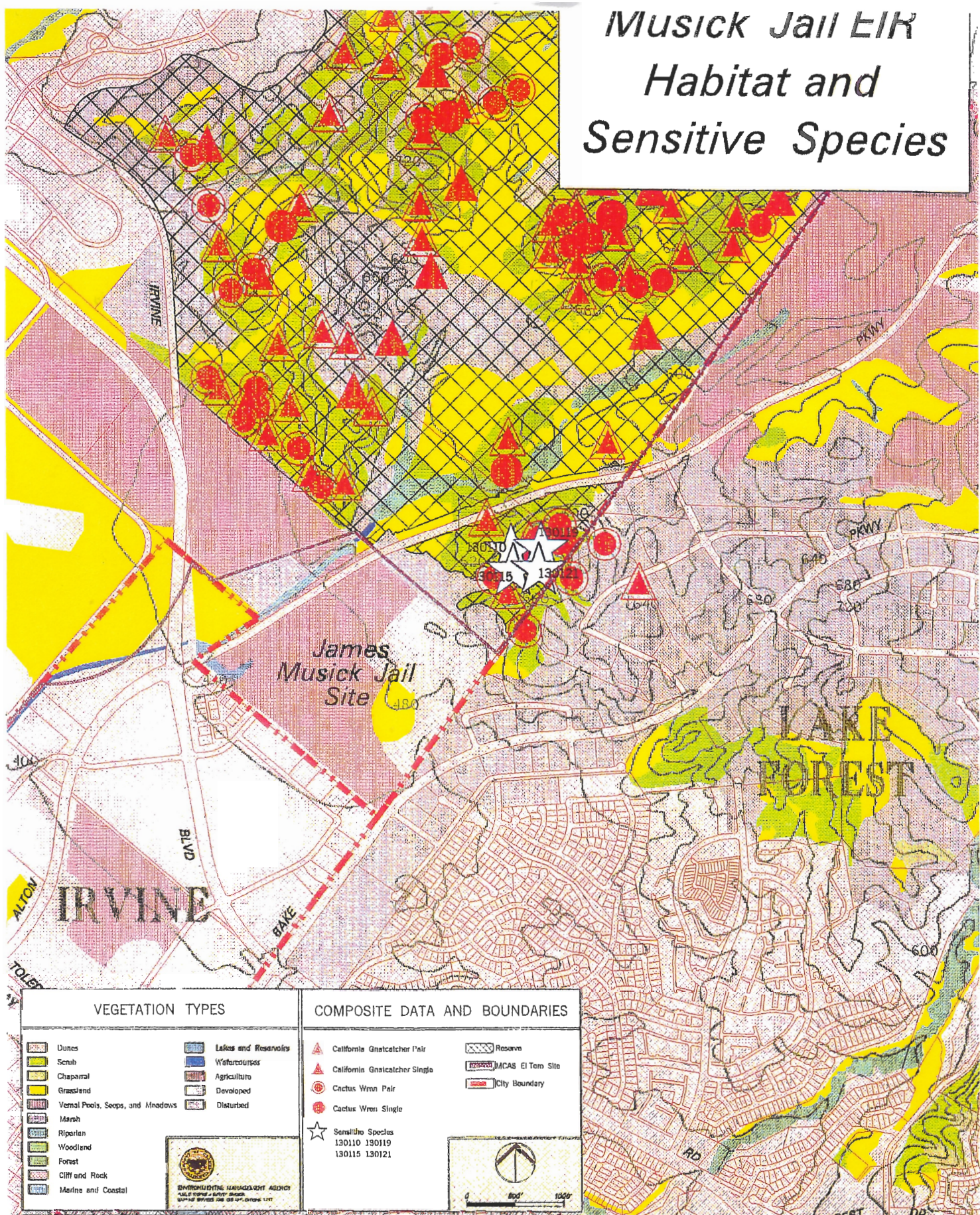
departure end (east end) of Runways 7/25. Based on the aircraft accident data in the Handbook, no aircraft accidents were documented at these distances and directions from these runways. While the Handbook data cannot predict the location of future accidents, the data indicate that the potential for an aircraft accident at the subject site is similar to a non-airport location. In addition, the proposed buildings are outside the Clear Zone and Accident Potential Zones I and II for the existing military operations. Finally, the project site is located within the "Horizontal Surface" specified by Part 77 of the Federal Aviation Regulations, "Objects Affecting Navigable Airspace" as discussed below. However, the proposed structures do not exceed the elevation of the Horizontal Surface for a commercial airport, or for the existing military airport and therefore would not represent objects affecting navigable airspace. In conclusion, this EIR was prepared using the Handbook as a technical resource, and the project is compatible with the aircraft noise and safety policies, regulations, plans and programs identified in the Handbook.

In conformance with federal regulations, the County, acting as the Local Redevelopment Agency, has prepared a Reuse Plan and Draft EIR, which is incorporated herein by reference. The Board of Supervisors is scheduled to act on the Reuse Plan and EIR by December 15, 1996 and transmit the Reuse Plan to the Department of the Navy for consideration in the federal reuse planning process and environmental analysis. The Reuse Plan and Draft EIR analyze three principal land use plan alternatives for the Base, two aviation and one non-aviation alternative. The three land use plan alternatives propose the same land uses adjacent to the project site as follows:

1. Northeast: Open Space/Institutional uses.
2. North/Northwest: Commercial/Office uses.

The lands designated Open Space in the Reuse Plan Alternatives include habitats of sensitive, rare and endangered species of plants and animals including California gnatcatchers (Exhibit 24). For this reason, most of the area to the north of the jail within MCAS-El Toro is committed to the Natural Communities Conservation Program (NCCP), a joint federal, state and County multi-species habitat enhancement program. The project site is separated from the nearest sensitive habitat area by a buffer of disturbed, exotic habitat area approximately 500 feet wide, which includes an intervening hillside area. In addition, the closest proposed building is setback another 300 feet from the Musick Jail property line abutting the NCCP habitat area. The Commercial/Office uses proposed by the Reuse Plan Alternative would be separated from the project site by Alton Parkway and the existing water tanks located north of the Musick site. For these reasons, the proposed project would be compatible with the land uses proposed by the Reuse Plan for the adjacent properties.

Musick Jail EIR Habitat and Sensitive Species



The proposed project aviation plan (Alternative A) contemplates take-offs east-bound from Runway 7/25 similar to the current military jet aircraft operations, although Runway 7 Left/25 Right eventually would be replaced with a new runway providing greater separation from existing Runway 7 Right/25 Left. The structures proposed as a part of the project are located within the "Horizontal Surface" specified by Part 77 of Federal Aviation Administration (FAA) Federal Aviation Regulations (FAR), "Objects Affecting Navigable Airspace."

None of the proposed structures exceed the Horizontal Surface Elevation of 533 feet above mean sea level (MSL) for the current military operations or 517 feet MSL for a commercial aviation alternative. In addition, the proposed structures would not be located in the Accident Potential Zone (APZ) I or II for the existing military operations.

The second aviation plan (Alternative B) limits commercial cargo and general aviation aircraft operations to Runways 16/34, and Runways 7/25 near the subject site would be replaced by Research, Development and Light Industrial uses. Under this alternative, the entire project site would be within the "Horizontal Surface" specified by Part 77 of FAA FAR. Again, none of the proposed structures exceed the Horizontal Surface Elevation of 533 feet above MSL for the current military operations or 517 feet above MSL for a commercial aviation alternative. In addition, the project site would not be located within the APZ I or II for the existing military or proposed commercial aviation alternative.

5.8.2 Project Impacts Prior to Mitigation

Existing Uses On-Site

The proposed project would increase the site coverage and building intensity at the Musick Jail. The existing buildings and structures will be demolished over time, and the existing elevation of the central and eastern portion of the site will be lowered. The existing land uses including agriculture will be relocated on-site. However, the proposed use is consistent with the existing use of the site as a jail facility. All inmate housing and related uses will be located within high security buildings. Building setbacks, landscaped areas, and agricultural areas will buffer the proposed buildings and uses from surrounding existing and proposed land uses. It is likely that the lease to adjacent buildings for parking — which was established after the buildings received their approvals from the City of Irvine — would be terminated.

County Plans, Policies and Regulations

As noted in the foregoing, the County Land Use Element classifies the project site as Public Facilities which identifies major facilities built and maintained for public use including correctional institutions. The proposed project is consistent with this designation.

The project will accommodate the extension and widening of Alton Parkway to a Major Arterial Highway along the westerly boundary of the site. Bake Parkway is presently

constructed to the Master Plan standard adjacent to the project site, including the bike trail. Therefore, the project is consistent with the Transportation Element.

Finally, the project would provide a permanent facility for the Sheriff's Southeast Station. This is consistent with the Public Services and Facilities Element of the County General Plan.

The project site is owned and operated by the County of Orange. The project has been designated as the Master Plan for the Musick Jail site by the Director, EMA and the Sheriff as provided in Section 7-9-20(i) of the Zoning Code. All buildings will be constructed in conformance with County floodplain regulations.

In summary, the project is consistent with the County General Plan and Zoning Regulations. Therefore, the project would have no adverse impact on County plans, programs or development regulations. Conformity with structural, health and safety and other building codes will be determined at the construction-level of design.

Surrounding Land Uses, Plans and Regulations

- City of Irvine - The project proposes to construct the warehouse, food preparation, maintenance and the physical plant adjacent to the existing industrial park development in Phase IV of the Irvine Spectrum business park (i.e., Planning Area 35) located in the City of Irvine to the southwest of the project site. These uses are similar in operational characteristics to light industrial uses, and are therefore compatible with the adjacent development. Inmate housing will be located the maximum practical distance from the adjacent development, and visitor access will be from Alton Parkway, minimizing traffic impacts on the streets of the adjacent development. The project would not be incompatible in operation with these land uses. In addition, the proposed Sheriff's Southeast Station would provide a heightened level of security for these developments.

The nearest existing residential development, school or local park in the City of Irvine is approximately four miles away. The closest future residential development in the City would be two to three miles from the project site. There is no evidence that the project will adversely impact these land uses, and no policies for land use compatibility are presented in the Irvine General Plan.

The proposed project is consistent with the 6.1 Institutional land use designation of the project site in the Planning Area 35 Zoning Regulations. The proposed buildings would exceed in height the existing 20- to 30-foot high structures on the adjacent sites in the City of Irvine. However, the project building heights would be within the 50-foot building height standard of the City Zoning Regulations applicable to Institutional land uses in Planning Area 35, even though these regulations do not apply. In addition, the project site plan ensures that proposed buildings are setback sufficiently to reduce the impact of these buildings on adjacent development. Finally, the existing development is not oriented in design (i.e., in terms of access, circulation, entrance or view) toward the project site, but

away from the Musick Jail. Therefore, the project would not have an adverse impact on existing or future development in the adjacent areas of the City of Irvine.

The proposed project is consistent with the City of Irvine's Land Use Element land use classification. The project would exceed the floor area allocation for Institutional land uses in Planning Area 35. However, the analysis in this EIR addresses the effects, including traffic, of expanding the current Musick Jail. As noted above, the project would accommodate widening of Alton Parkway to the County and City General Plan standard (i.e., six lanes). Bake Parkway adjacent to the project site is already constructed to a Major Arterial Highways standard. The project will not affect the on-road operation of transit services on Alton Parkway, Bake Parkway and Irvine Blvd. For these reasons, the project would not be incompatible with the goals, policies and programs of the City of Irvine's General Plan.

A 4-acre parcel to the northwest of the jail site is currently owned by The Irvine Company. It is triangular in shape and is designated "General Industrial" in the Sphere of Influence of the City of Irvine. This parcel appears to lie within the Transitional Zone pursuant to Part 77 regulations as a result of a civilian airport. If no civilian airport is established, the parcel would likely be a candidate for inclusion in some development plan for the base property. However, this parcel is quite small to begin with, and more than two acres of the parcel are subject to road and flood control easements. Therefore, the jail expansion's effect on this property must be regarded as minimal, or at the very least, the parcel's future is more closely related to the Reuse Plan than the jail expansion.

- County of Orange - Regarding the adjacent MCAS-El Toro, the proposed project Master Plan is designed to meet the necessary criteria for a civilian airport, which is more stringent than the military airport. Therefore, the project will have no adverse impact on MCAS-El Toro.
- City of Lake Forest - The project site is not located within the City of Lake Forest or its SOI, and is not addressed by its General Plan or development regulations. As noted above, the project proposes to locate the warehouse, food processing, and the Sheriff's Southeast Station nearest the project boundary with the City of Lake Forest. These uses are compatible in operation with the business park uses existing and permitted in the Pacific Commercentre. Inmate housing would be located the maximum practical distance on-site from the City boundary, and buffered by agricultural uses. The new housing units are located no closer to the Lake Forest boundary than the existing Musick inmate housing, and the new units will be more secure.

The portion of the Pacific Commercentre adjacent to the Musick Jail is currently developed with an auto parts and repair oriented commercial center. This center is by design oriented away from the Musick Jail (i.e., in access, circulation, entrance and view).

The Pacific Commercentre Regulations limit Business Park uses to 35 feet in height, but permit High Technology and Light Industrial buildings to exceed 35 feet provided the buildings are in compliance with FAA FAR Part 77 regulations (and the developer obtain approval of a use permit). The project includes buildings which exceed 35 feet in height, but all proposed buildings will lower in height than 517 feet above MSL established as the height of the Horizontal Surface specified by FAA FAR Part 77. The project is therefore consistent with the height regulations applicable to the high technology and light industrial land uses permitted in the Pacific Commercentre.

To ensure that no buildings exceed 517 feet above MSL, the development portions of the project site would be graded to a maximum elevation of about 472 feet above MSL, which would reduce the central and northeasterly portions of the site by from 10 feet to 50 feet. This reduction in elevation will reduce the height impacts of the proposed buildings. The closest residential development is located 700 feet from the Musick property line and 1,200 feet from the closest inmate housing building (which would be 45 feet high). Between these residences and the project site will be at least 700 linear feet of business park development with buildings of 35 feet in height or more. Because of topographic differences, if these buildings were only 20 feet in height, they would block the view of the highest proposed building even from the second floor of the closest residence. The undeveloped portions of the Pacific Commercentre and the adjacent Baker Planned Community (proposed for light industrial and high technology development) to the east of the project site would be up to 50 feet higher in elevation than the Musick site. In summary, height of proposed project buildings would not be incompatible with existing and proposed development in the City of Lake Forest.

As noted above, the project site is separated from existing residences in the City of Lake Forest by over 700 feet of existing and future business park development in the Pacific Commercentre. The closest inmate housing unit would be over 1,200 feet from the nearest residential fence line and local park site, and agricultural uses on-site would add to the physical buffer between inmate housing and nearby development. The closest public school site is approximately one mile from the nearest point on the project site. The impact of the project on security, traffic and other characteristics of the surrounding communities are discussed elsewhere in this EIR. In summary, the physical and visual barrier created by the Pacific Commercentre and the distance between the proposed project buildings and residential, local park and school uses reduces the project's land use compatibility impacts to a level of insignificance.

Several commentors during the pre-Draft EIR distribution process suggested that the presence and operation of the jail as proposed would stimulate the establishment of undesirable businesses, such as bail bondsmen, bars and sexually oriented businesses. To evaluate the potential for this outcome, the zoning of adjacent properties must be reviewed with this question in mind.

A brief survey of sites with jails was conducted to determine how these jurisdictions classify some of these uses of concern from a zoning standpoint. Most jurisdictions consider bail bondsmen as a "professional/business" or "service" use. Some jurisdictions allow this use in office or commercial districts.

The Musick site is bounded on the northeast by the NCCP reserve area, and there is no potential here to build any structures. To the east is Pacific Commerce Centre in the City of Lake Forest. Its zoning allows administrative, professional and business office uses in all areas except open space. Therefore, theoretically, a bail bond office could locate there unless specifically prohibited by the zoning. The City can certainly prohibit this use by a zone change if it so desires.

Sexually oriented businesses are not associated with jails. There are no such businesses surrounding the jail in Santa Ana or the jail in Orange. Again, if this is a concern, the City of Lake Forest has the constitutional authority to restrict such uses in this area.

The City of Irvine permits "general retail and/or service businesses" in "4.2 - Community Commercial" but not in "5.4 - General Industrial." PA 35, which is in the 5.4 category, lies next to the Musick Jail and would not permit such a use. Similar to Lake Forest, the City of Irvine could specifically zone other areas to restrict such a use.

With respect to sexually oriented businesses, the 5.4 designation permits these businesses subject to a permit. Again, there is no evidence of an association of the jail with these businesses. However, if the City of Irvine is concerned, it has the constitutional power to control the location of such businesses with zoning.

Finally, the Local Redevelopment Authority (LRA) has just issued its proposed Reuse Plan for public comment, but without zoning regulations. The County, if it is in a position to exercise full authority over base property in the future, agrees to restrict bail bondsmen and sexually oriented businesses on the southwest side of the base adjacent to the jail. This is already partly facilitated by the NCCP Reserve, as well as the 40± acres of agricultural uses recommended in the Reuse Plan for conveyance to the Orange County Sheriff's Department.³⁴

Airport Regulations, Plans and Policies

None of the proposed structures exceed the Horizontal Surface Elevation of 533 feet above mean sea level (MSL) for the current military operations or 517 feet MSL for a commercial aviation alternative. In addition, the proposed structures would not be located in the Accident Potential Zone (APZ) I or II for the existing military or the proposed commercial aviation alternatives included in the County Reuse Plan. The effects of aircraft noise on the project including consistency with the County Noise Element are discussed elsewhere in this EIR. Therefore, the project is compatible with the existing and proposed airport land uses.

³⁴Reuse Plan Draft EIR No. 563; Figure 2-9.

Habitat Plans

The NCCP habitat area included in the El Toro Reuse Plan to the east of the project is buffered by a continuous barrier of disturbed, exotic vegetation and an approximately 300-foot building setback. The Commercial/Office land uses proposed by the County Reuse Plan to the north of the project site would be buffered by Alton Parkway, the existing water tanks and building setbacks from Alton Parkway. Therefore, the project would not be incompatible with the existing or proposed land uses at MCAS-El Toro.

Agricultural Soils

Class I and Class II soils exist on the Musick site. About half the site is Class I soils. Please see Section 5.1 beginning on page 53 herein for a further discussion.

5.8.3 Mitigation Measures

No significant adverse impacts are expected, therefore mitigation measures are not necessary.

However, three mitigation measures are proposed to reinforce the finding that no significant impacts will occur, even though it is debatable that any potential effects would be reviewable under CEQA in any event.

42. *In connection with the adoption of zoning regulations for the Reuse Plan area, the County of Orange shall prohibit bail bondsmen and sexually oriented businesses from the "Open Space/Institutional" and "Education/Institutional" areas adjacent to the jail as shown on Figure 5-2 of the Reuse Plan EIR.*
43. *If the City of Irvine or the City of Lake Forest finds that there is a potential for undesirable uses to establish in their cities as a result of the jail expansion, these cities can and should zone their territory to prohibit such uses.*

Note: Pursuant to CEQA Guidelines §15091(a)(2), this measure is within the responsibility and jurisdiction of another public agency, and not the County of Orange.

44. *Prior to the commencement of grading for the project, the County of Orange shall give notice of proposed construction to the Federal Aviation Administration (FAA) pursuant to FAR Part 77. At that time, notice shall be given to any other agency which may have jurisdiction or review authority at that future time.*

5.8.4 Level of Significance After Mitigation

The project impacts are by virtue of the project design, location and applicable plans, policies and regulations reduced to the level of insignificance.